

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUBY GRAPES, LLC,

Plaintiff,

v.

MITCH SPALETTA, et al.,

Defendants.

Case No. [20-cv-05302-DMR](#)

**ORDER TO SHOW CAUSE WHY
CASE SHOULD NOT BE
TRANSFERRED**

Plaintiff Ruby Grapes, LLC filed a complaint on July 31, 2020. According to Plaintiff's complaint, the incidents that form the basis of its complaint took place in Lodi, California, and at least one Defendant is located in Lodi. Pursuant to 28 U.S.C. § 1391, a case may be filed in

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

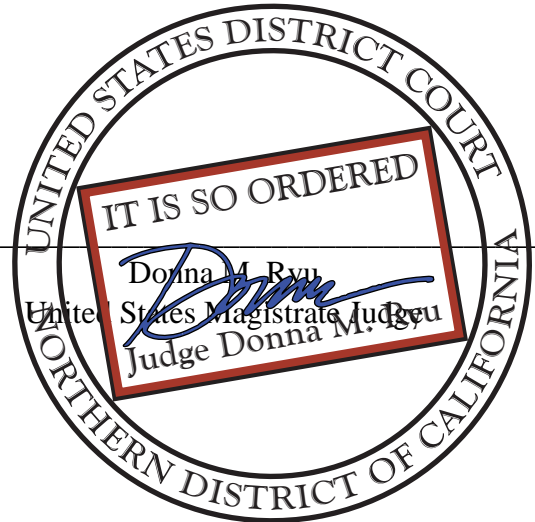
28 U.S.C. § 1391(b). Based on the allegations in the complaint, it appears that the proper venue for this case is the Eastern District of California because that is where "a substantial part of the events or omissions giving rise to the claim occurred." 28 U.S.C. § 1391(b)(2).

When a plaintiff files his or her case in the wrong district, the court must either dismiss the case or transfer it to the District Court in the correct district. *See* 28 U.S.C. § 1406(a). Thus, unless Plaintiff can show legal authority for venue in this district, the court will transfer the case to the Eastern District of California. Accordingly, IT IS HEREBY ORDERED that, **by no later than September 3, 2020**, Plaintiff shall file a statement explaining why this case should not be

transferred to the United States District Court for the Eastern District of California.

IT IS SO ORDERED.

Dated: August 27, 2020



United States District Court
Northern District of California